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SPEECH

OF

HON. J. JACKSON, OF GEORGIA.

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DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEB'Y 10, 1859.

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The House being in Committee of the Whole on the state of the Union—

Mr. JACKSON rose and said :

Mr. CHAIRMAN: Gentlemen have discussed with ability and eloquence the political and commercial necessity of the acquisition of the Island of Cuba; and visions of the future growth of American domain and of the ultimate glory of American empire, have been freely indulged. In response to this necessity and to these visions, my own heart beats warmly; and my judgment sees nothing in our complex, yet harmoniously-adjusted, system of governments—Federal and State—incompatible with the indefinite extension of our present vast dominion. But underlying these forms of Government, which are the mere organs through which the vital energy of our great country breathes and acts, are the people themselves—the sovereign people of these States. It becomes, therefore, the prudent political thinker, whilst allowing his eye to wander with patriotic hopes over regions yet to be purchased with our money or conquered by our valor, to turn that eye with the coldness of impartial criticism upon our national inner-man—the heart and life-blood of our vast organism—the people themselves; and though the task be thankless, and his reward a sneer, if he detect there the seeds of disease which, unchecked, must throw the entire system into convulsions, and end in death, it is his duty to expose that disease, and assist, so far as he may be able, the great heart of the nation to throw it off. I fear, Mr. Chairman, that disease is at this time preying upon the vitals of our system—not, I trust among a vast majority of the people, but among large and increasing numbers of them; and it is my purpose to call the attention of the committee, and, if my voice shall reach them, of the country, to what I conceive to be this alarming evil.

It is a disposition to set up caprice or passion or prejudice or interest, each under the guise of a "higher law," called conscience, *above the laws*—to worship on "high places," at altars other than that of the Constitution erected by our fathers, and sprinkled and sanctified with the blood of the Revolution. In one word, it is a spirit of insubordination to law and order. The seed was sown many years ago by a cunning thought suggested by an artful mind in the other wing of the Capitol. That thought was, that in each man there is a law higher than the Constitution itself—the law of conscience, and the responsibility of that conscience alone to God—thus attempting to annul the decree of Almighty, who, when in the human form of Jesus, said "render unto Caesar the things that are Caesar's, and unto God the things that are God's." What is conscience? Too often, from human depravity, but a self-consoling excuse for unhallowed desire, or an artful pretext for unlawful enterprise. What is this law of conscience? It is a crown of *absolute* sovereignty placed upon the brow of every man, submitting to his option obedience or disregard of every law, under the plea that the thing he calls conscience will not permit him to obey this law, or forces him to disregard that. It involves a repudiation of man's social nature and civilized society, and subverts the foundation of enlightened government. Everybody knows that this foundation is laid on the sacrifice of a portion of individual liberty for the benefit of the community and of the individual himself as a member of the community. But, if men be taught that the conscience of each is above the law of all, and act out the lesson in practical life, then, indeed, does "a multitude of tyrants become the worst of tyranny;" security of life, person, and property, the object of all government, is gone; the law, no longer fixed, fluctuates with the changing breath of each man's conscience; anarchy has begun, and despotism follows rapidly in its rear.

Yet this doctrine, thus pregnant of evil, has found foothold in our midst, and is marching with rapid stride all over the land. Its footprints are seen in the refusal of large portions of the northern people to enforce the plain provision of the Constitution for the



rendition of fugitives from labor, in the resistance of mobs and communities and entire States to the execution of the fugitive slave law. What is the universal excuse? The pretexts are many, but the simplest analysis reduces them all to "the higher law" of conscience. That inward, unwritten, unseen law does not suffer them to capture a slave, but forces them to connive at his escape, assist him in his flight, and thus defy the highest law of the land—the Constitution of their country.

Mark the track of the higher law again, on the plains of "bleeding Kansas." Emigrant aid societies, with powder and ball and Sharpe's rifles, are an old song, at the repetition of which my taste revolts. Pardon me, sir, for a brief allusion to it. It lay right in the path of my thought, and I may not pass it by, disgusting as is the sight to me. Emigrants, armed to the teeth for civil war, went to their work of arson and murder, with the blessing of God invoked upon them by professed priests and followers of the meek and merciful Jesus. Yes, sir, the blessing of Him, who proclaimed his mission to be love, who repudiated the pomp and prowess of arms, and relied for the triumph of His kingdom alone upon the principles He inculcated and the unseen yet all-pervading spirit which He sends to enlighten every man—His blessing, with a zeal equalled only by its profanity, was invoked upon this crusade of rapine and murder. What is again the excuse? Conscience whispers it was a great wrong to repeal the Missouri restriction, shuts out the thought that the organic law of the Territory, right or wrong, is the law of the land, and forces preachers of the Gospel to bless those who migrate for the purpose of resisting its execution with fire and sword. Oh, what an unsafe guide is even enlightened Christian conscience, when, for a moment, it loses sight of its polar star, *the written word of God!*

The same disposition to elevate the law of conscience above the law of the land is more strikingly exhibited, perhaps, in the progress of that singular Mormon superstition which, driven from its earlier settlements in Illinois by the advancing tread of a better civilization, found a stronger foothold in the Territory of Utah. There, under influences congenial to the savages who roamed around it, it fed and fattened. Prompted by lust, or deluded by a superstition unworthy of the age, thousands flocked to its standard; and the immunity of conscience from the restraints of law was the excuse that first permitted the adulterous heresy to be planted upon the soil of a Christian nation, as well as the apology for it in every stage of its growth; though the most careless observer could not fail to see that its noxious fruit must poison the moral atmosphere, and so infect society as to endanger the chaste relation of husband and wife, the dependent relation of parent and child, and the peace and purity of the family circle. The principle of the higher law led there to its logical and inevitable result. The entire Territory yielded to the dominion of one man, claiming to be God's vicegerent upon earth, and was precipitated into open rebellion against the Federal authorities and the law of the land.

This dangerous heresy, thus originating in a northern mind, and practically acted out in the North and West, found no spot upon southern soil congenial to its development for more than sixty years. The southern statesman, upon the floor of Congress, could proudly point to her entire record, and defy her bitterest maligners to show one blot upon her honor, or a single violation of constitutional law by her. Observing all the compacts of the Constitution herself, she could demand, and did demand with irresistible moral power, the observance of them all by others.

It pains me, therefore, Mr. Chairman, to be constrained, by truth, to say that this "higher law" doctrine has at last found advocates in her midst, has been openly acted out by a portion of her people, is apologized for by others; and, unless soon checked by her own sense of right, will demoralize her lofty character, and destroy that conservative influence which she has hitherto maintained in the Confederacy. It might have been reasonably supposed that the origin of the thought, coming, as it did, from a brain fruitful of evil to her, would have warned her children to dash the poison from their lips. Her great interests, resting, as they do, *in the Union* alone upon the Constitution and constitutional law, should have counseled all her people never to unsettle those interests by violating either the one or the other. With an overwhelming majority of political power against her, it is obviously her policy, while submitting to nothing wrong, to do nothing but what is right. Entertaining these opinions of her interest and policy, I do deprecate those manifestations of "higher law" which some of her sons have recently exhibited. I allude to the attempts made to set at defiance the neutrality laws, and to re-open, *contrary to law*, the African slave trade. The first may have been prompted by a love of chivalrous adventure, devotion to the land of the South, and resentment of wrong; yet, sir, I believe the policy to be as reckless as the results have been derogatory to southern honor, and disastrous to southern interests. Nothing but the spirit of the "higher law" can be invoked to justify or defend it. Look at the facts. An eminent judge of the supreme court, born in Georgia, and grown to the manhood of the full lawyer in the State of Alabama, of irreproachable private character, blending the highest tone of southern feeling with profound erudition and stern integrity, expounds to the people among whom he had lived for years, the plain law of the land, only to meet with derision, if not insult, from a portion of that people and its press. Light, brighter than that which falls from the lucid mind of the judge, unseen by all except themselves, the inner light of this higher law of conscience, illumines the minds of jurors, and the ex-



positions of the judge become twilight under its brilliancy. The filibuster and his coadjutors spurn both the law and its expounder; he evades the revenue cutter, carries off with him its officer, contemns the laws of his country, and sails for conquest and glory on the shores of Nicaragua. How does the play end? With the wretched farce of his shipwreck and restoration, through the kindness of a British man-of-war, which, if he had but encountered it before the shipwreck, he had determined to fight and demolish. What are the fruits of the enterprise? Reproach upon southern character for the observance of law and derision heaped upon southern chivalry—the whole affair reminding one more of the windmill adventure of Don Quixote than the prowess of real heroism.

Kindred to the expedition of the filibuster in quixotism, though destitute of any approach to its chivalry, is that other adventure which was lately enacted on the shores of Georgia. Without the hope of honor or the prospect of military renown, these latter adventurers seem to have been allured by the less noble desire for gain. Though the constitution of Georgia prohibited the African slave trade, and erected the barrier of State sovereignty, in addition to the Federal law, in their path, the law of their consciences overleaped both love of the Union and love of the State, and became to them a *law higher* than both the laws of the Union and the constitution of Georgia combined. Thus does the higher law, when once enthroned in the hearts even of men of position and character, dethrone all reason, substitute passion for prudence, and lead men to acts which they must regret themselves, when reason resumes her throne. I deeply deplore the fact that any portion of the South should have been the scene of this violation of law; and I deplore it the more because Georgia was selected as the spot where Federal law was to be trampled upon and her own constitution defied. Let me not be misunderstood. The justice or propriety of any of these laws is not the question I now discuss. So far as the neutrality laws are concerned, however, I am free to say that I am ready by my vote, at any time, so to modify them as to sweep from the march of “manifest destiny” the barriers which our own legislation has erected in its path; but while they stand on the statute-book, I cannot add my voice to the clamor against those who discharge their duty by enforcing them.

In regard to those for the suppression of the African slave trade, I deprecate all agitation of the question for many reasons, which time will not permit me now to detail. Suffice it to say, that the scheme is now wholly impracticable. The trade never can be reopened by the repeal of the laws interdicting it, while the Union lasts. If the South were united upon it, no Representative from the North would vote for their repeal, and the only effect of the agitation that I can see, will be to weaken northern Democrats friendly to the constitutional rights of the South, by furnishing food to feed and fatten the growing Abolition party North. But the South is not, and probably cannot be united upon it, and the agitation is dangerous, because it must divide her against herself—separating probably the older from the fresher cotton States, and at all events the cotton States from the border hemp and tobacco and grain States of Maryland, Virginia, Kentucky, Missouri, and possibly others. The great “desideratum,” for which southern statesmen, who are now in their graves, pined and prayed, has been accomplished. The South is a unit; united in unshaken faith that her institutions are in accordance with the word of God, beneficial to the slave and the master, guaranteed in the Constitution of the country; and if that Constitution be broken, she feels possessed both of will and ability sufficient to defend and protect them. This union is her strength. Divide her and she is conquered. Let those who throw this firebrand into her midst and fan its flame, pause, lest in their zeal to serve, they divide and weaken, if they do not destroy the land that they love.

But, I repeat, the propriety of the law is not the question I now consider. Its violation *while law* I denounce as but another exhibition of that “higher law” which all of us at the South condemn and despise when exhibited at the North.

I pass by, Mr. Chairman, other violations of law and order, having selected these as the most striking, for a three-fold purpose.

First, to awaken the attention of the sober and thinking men of the country, that all such men may unite to put down this higher law, and its disastrous effects, by the moral force of public opinion. I believe, unless arrested by the frowns of the people who love law and order, it must result not more certainly in a dissolution of the Union than in that which is of more consequence to us and our children than even the Union itself—the destruction of our free institutions, and the substitution of despotisms in their stead. Sensible men want security—security of life, person, and property; and they must and will have it. Without fixed law and obedience to it, there can be no such security; and they may be forced to look elsewhere than to our present forms of government for it.

My second purpose is to put this Administration upon trial; and appeal to the great jury of their countrymen to say whether they have discharged faithfully the great duty enjoined by the Constitution, “to see that the laws are faithfully executed.” I do this the more cheerfully because it has been wrongfully abused, in my opinion, in both sections of the Union, and for the same cause in both; because it has discharged its executory duty with an eye single to the Constitution and the law, and without respect to sections or to men.



I remember, when a candidate for the seat I now occupy, that I repeatedly expressed the opinion that, so far as Kansas was concerned—then the theme of agitation and acrimonious debate—this Administration would see to it that the organic law of that Territory was faithfully executed. It has done so, sir, to the letter. The special message of the President, communicating the constitution framed at Lecompton, is an ample answer to every assault upon him before the people I represent here. And what great sin was thereby committed against the North? He adhered to all the forms and sanctions of law. "His offence hath this extent, no more." Expressing his opinion that the constitution ought to be submitted to the people as the surcest test of the popular sanction, he did not make such submission a "*sine qua non*," because the Constitution of the country, which he had sworn to support, gave him no such power. The law organizing the Territory left the people free to act "in their own way." That law was enforced by protecting the convention in the right thus secured, and recommending their action to the favorable consideration of Congress. The discharge of this duty, this adherence to law and order and repudiation of mob-sovereignty, has been tortured into a vile submission to the slave-power. The friends of half a century have united with political foes to heap odium upon the President, and he sits to-day in the White House the best-abused President since Jackson's time. Sir, impartial history will write down the truth, and that will be, that, though forced to break the ties that bound him to early friends, and abandoned by statesmen and States until the entire North bristled with an almost unbroken line of anger and opposition, he possessed the moral nerve to discharge his duty and execute the law. He found the Kansas act in operation—the work of other men. He was pledged to enforce its provisions, and though some, who assisted to make, abandoned it, he redeemed the pledge.

The unsettled condition of the Mormon Territory of Utah—another fruit of the "higher law"—was cast upon this Administration by inheritance; not by any act of theirs, or omission on their part to act. With firmness and moderation, force and prudence, they did act. The supremacy of the Constitution has been vindicated; the authority of law maintained, and peace and civilization resumed their sway where bloodshed and anarchy had reigned so long.

Has this Administration, elevated to power in so large a degree by the South, and represented in the Cabinet by four southern men, proved faithless to its trust to execute the law *at the South*, in defiance of ebullitions of southern feeling, and in the teeth of exhibitions of the higher law there? If it has failed thus to act, it is unworthy of the confidence of honest men everywhere, and ought to be repudiated and disgraced. I am gratified that it can be said, with truth, it has discharged its whole duty there. It would have sunk into contempt in the estimation of the people of the South had it done otherwise. All its constitutional power has been employed to maintain the neutrality law in its spirit, and enforce it to the letter. Indeed, sir, so vigilant has been the Administration in the suppression of expeditions to Nicaragua, that some of the first and best men from the South have thought that the neutrality laws have been enlarged by construction and strained in their execution. If grand juries fail to prefer bills, or petit juries to convict, let the blame rest upon them, or upon the law which, for wise purposes under our free system, vests in them these powers.

Let it be remembered that the Federal Executive exhausts all its powers when, in good faith and with vigor, it accuses and prosecutes. Nor is a prosecution without conviction always a farce. The fact that prosecutions are pressed and offenders subjected to the expense and anxiety attendant upon bonds or imprisonment, goes far to deter others from similar adventures, and often answers this important object of punishment. The correspondence of the Treasury and Navy Departments discloses zealous efforts to preserve untarnished the honor of the country, and maintain inviolate its own law of neutrality. Yet, sir, there are not wanting men in this country, familiar with the limited powers of our Executive and the checks which our Constitution interposes between those powers and the liberty of the citizen, ready to echo the cry of foreigners, that our Government connives at these expeditions, and secretly rejoices at their escape from our shores. Shame upon all who, for purposes of party, thus lower the standard of American character abroad, and bring reproach upon their country in the eyes of the civilized world!

Equally vigilant has been the Administration in its efforts to suppress the African slave trade. Efforts have been made to detect all who participated in the enterprise; and all detected have been committed for trial. What may be the result of the prosecutions, no man can foresee; but the Government has gone the entire length of its constitutional limit. Active agents are appointed; assistant counsel is employed; and no labor or expense has been spared to bring the offenders to justice. Should failure result, let it be attributed either to the harshness of a law of doubtful constitutional authority, making the trade piracy, or to that inestimable constitutional privilege of trial by jury, which sometimes enables the guilty to escape, but oftener is the only security for the innocent.

From these facts, Mr. Chairman, which cannot be truthfully denied, I assert that, in the important function of the execution of the law, this Administration has discharged its whole duty, without respect to sections or to men. It has, most emphatically, known no North, no South, no East, no West. It has been enabled thus to execute laws of a



*quasi* sectional character in all sections of the Union, because it was lifted into power by all sections of the Union; and this last thought leads me to the consideration of the third purpose for which I alluded to the "higher law," and some of its consequences. That purpose is to show that an Administration, elevated to power by no party except a party composed of material from both of the great distinctive sections of this Confederacy, can govern that Confederacy, and execute the laws in peace. It can never be done by any Administration put into power by one section alone. In other words, the success of a purely sectional party will inevitably result in an overthrow of the Government, and a dissolution of the Union. Suppose the republican party had succeeded in the last presidential contest, and filibustering enterprises and slave trade adventures, similar to those lately exhibited at the South, had been set on foot: does any sane man believe the Administration of that party could have suppressed them *in peace*? Suppose the South had acquiesced in the inauguration of such an Administration: six months would not have elapsed before revolution and ruin would have overwhelmed the country. Let it be remembered, *that revolutions are never the work of sober majorities acting through the forms of law.* A spark is thrown into some inflammable neighborhood. It ignites the hearts of the people there, and, catching and spreading into other neighborhoods, it runs and burns wherever it finds material on which to feed; and it finds that material wherever hearts, kindred to those first inflamed, beat with the same sympathies of clime, or country, or section. Men, thus on fire, do not stop to argue. The heart, the great governor of the will, beats for action; and act they must.

Now, sir, in view of this principle of human nature, universal in man, let us suppose an Administration not voted for by a man at the South, or, if the South were the dominant section, not voted for by a man at the North, to undertake to enforce a law calculated to arouse sectional feeling in the weaker section: what, I ask, would be the *natural* consequence? Resistance to its execution—wrongful and unlawful in its origin, if you please; confined, it might be, to a single neighborhood, perhaps to a hundred men; but *resistance* still would be made. To execute the law thus resisted, force would necessarily be resorted to; and it requires no prophet to foresee that the first drop of blood shed by order of such Executive—in whose choice they had no share—would, like the blood spilt at Lexington, arouse a million of hearts, and baptize another new-born nation.

Mr. Chairman, there was excitement, intense excitement, at Mobile and Savannah, in consequence of the efforts of *this Administration*, elected in part by the people there, to enforce the laws. Who shall say what would have been the consequences had force been used by a sectional Administration, for which no man among that people had voted—nay, which Administration had been installed into power by an organization hostile to one of their dearest rights, the right of property; and that, too, when the offenders sought to be punished were seeking, in the opinion of portions of that people, to extend and strengthen that great right of property?

Sir, my colleague in the Senate, [Mr. IVERSON,] a few days since, expressed the opinion that the Union could not survive the election of Mr. SEWARD to the Presidency; that opinion has been ridiculed, and the Senator derided. Yet, I undertake to say, that a more solemn truth never was uttered in the American Senate; and every man in Georgia, who knows anything of me, knows that, in my heart, "the wish is not father to the thought." My views have ever been conservative—my love of the Union of my fathers, intense; I have sometimes thought, Mr. Chairman, too strong; but, sir, my judgment, stripped of all feeling, cold and naked, can see no other result from his accession to power. Even if the South waited for the inauguration of a man who announces that all the States must be free or slave, the first effort he made to enforce any law connected with slavery would be resisted, if, for no other reason, for the purpose of producing a separation; blood, revolution, civil war, would follow; and the Union, as our fathers made it—a Union of equal and assenting States—would be at an end forever.

From these considerations I deduce the conclusion that of all parties *now existing and organized*, the Democratic party alone can govern this country in peace, and give to the people security everywhere. It is the only party possessed of strength North and South, and therefore the only party that can govern in peace both North and South. The Republican party is confined to the North, the American party to the South; the latter not so confined from its principles, but because it is absorbed by the Republicans at the North, and has no distinctive strength there. I am aware that an effort is being made to form a party out of the two, uniting the Americans and the more conservative Republicans, upon an approach, at least, of national principles. This policy was foreshadowed in an able speech by the distinguished gentleman from Kentucky, [Mr. MARSHALL,] a few nights ago. I wish that policy success; for if the Democratic party must be defeated, for the sake of the country, and the continuance and success of our institutions, let it be done by a party *assimilated to itself*—national, not sectional—drawing its inspiration from the Constitution, and with a patriotism as broad as the Union.

Mr. FARNSWORTH. Is the gentleman willing to join that great conservative party?

Mr. JACKSON. No, sir; because I belong to a better one now.

Mr. STANTON. That is the reason I will not join it.

Mr. JACKSON. If the party of the gentleman from Ohio had any strength at the



South, then my argument would utterly fail, and the Republican party would be national. For the reason that it has no strength at the South, it must necessarily be sectional. I want the gentleman to unite with the gentleman from Kentucky in the formation of that conservative party, so that the country may be safe, and the good men of every party may sleep in peace.

Mr. FOSTER. If the Republican party should triumph, does the gentleman really believe that it would invade any of the rights of the South?

Mr. JACKSON. I honestly and seriously do believe that that result would be disastrous to the Confederacy, and would break up the Union of these States, whether the gentleman desired it or not.

Mr. STANTON. Does the gentleman regard the test of sectionalism as being the locality in which a party receives votes, or the principles on which that party stands?

Mr. JACKSON. There is no use in disguising the fact that the people of this country are divided into two great sections. There is, as every man can feel, a distinct line drawn between them. In one section the States hold slaves; in the other they do not. From the assaults that have been made on that weaker section, and from the fact that their institutions have been assailed—as they were assailed on this floor this afternoon by the gentleman from Illinois, [Mr. LOVEJOY,]—the South is sensitive, and justly so. A sectional party is, from the very nature of the case, a geographical party. The Republican party is confined exclusively to the North, not because of the climate, but because there are no slaves there. I do not want the people of the North to have slaves against their will. I would not interfere with any of their rights; but they are distinct from us in their social organization, and we are, from the attacks constantly made upon us, suspicious about them. For that reason, so long as the gentleman's party is confined to the North, and has no strength at all among us, I must regard it, and I think every sensible man must regard it, as a sectional party.

Mr. STANTON. Did the gentleman regard the Whig party as a national one?

Mr. JACKSON. I did.

Mr. STANTON. Suppose that the Republican party of to-day should adopt, *toties quoties*, the principles and platform of the Whig party, and yet, in consequence of the changes in public sentiment for the last ten years, could get no votes South; is the Republican party, therefore, any more a sectional party, with such platform, than was the old Whig party?

Mr. JACKSON. Romeo told us, a great many years ago, "that which we call a rose by any other name would smell as sweet;" and Republican is just as good a name, so far as I am concerned, as Whig. I care nothing about the name. If the party of the gentleman will *bona fide* adopt principles that can receive southern votes, then, of course, his party ceases to be a sectional party, and becomes national.

Mr. STANTON. I wish to say to the gentleman that we do not understand that the Republican party of to-day proclaims or professes or has in its platform a solitary principle that has not been advocated by Mr. Clay and the Whig party down to the year 1854. Now, if the South has abandoned the Whig party and the principles on which it was organized and existed as a national party for a quarter of a century, and if it has organized itself into a sectional party, does that make ours a sectional party? We have no principles in our platform for which we cannot quote the authority of Mr. Clay and of every leading statesman of the South from the organization of the Government down to this time.

Mr. JACKSON. If that great patriot who now sleeps in his grave, Henry Clay, ever uttered a sentiment in this country that all the States of this Union must be free or slave, I am not aware of it. I never heard of it. But I understand that such a sentiment has been uttered recently in the State of New York by the great leader of the Republican party, Mr. SEWARD—the gentleman who, in all probability, will be their candidate for President.

Mr. STANTON. I do not intend that the Republican party shall be bound by the opinions of any man. What the gentleman refers to is merely the opinion of the Senator from New York, that there is an antagonism between the two systems. About that there may be differences of opinion North and South. What I claim is, that the authoritative exposition of principles of the party, as authentically proclaimed by its conventions and its regularly constituted authorities, is to be taken as its basis. We do not hold ourselves responsible for the sentiments that may be expressed by any man or any newspaper. What I ask is, that the Republican party shall be judged by the proclamation of principles made by those authorized to proclaim them.

Mr. JACKSON. I am gratified that this colloquy has taken place to-night between the distinguished gentleman from Ohio and myself. I am deeply gratified that he, at least, as one leading Republican, utterly repudiates the Rochester platform of the distinguished Senator from New York. The gentleman has but one step further to take, and that is to ally himself with the distinguished gentleman from Kentucky, [Mr. MARSHALL.] I will meet that party, when thus organized, in Georgia, and fight it to the best of my ability; and if the old Democratic flag is to go down, I shall feel happy, at least, that our great country, which I love, is safe.

Mr. STANTON. I have no doubt the gentleman thinks it very desirable that a party



should be organized in the free States upon the principles set forth by the gentleman from Kentucky; for the gentleman's party would have no difficulty in beating such a party. It would be the easiest thing in the world. I do not wish to be understood as having expressed any opinion, *pro* or *con.*, as to the antagonism of interests between the two sections of the Confederacy; but, if the gentleman supposes that there is to be any organization, in the free States, upon the principles proclaimed by the gentleman from Kentucky, of the Dred Scott decision and of the constitutional establishment of slavery in the Territories, why, he is laboring under a great delusion. No such party as that could live in any free State one hour.

Mr. JACKSON. Why, sir, I was rejoicing just now to hear the gentleman, as I thought, repudiate the position of the distinguished Senator from New York. It seems I was mistaken; and I am very sorry that I have now to enroll him as a disciple of this higher law; because he repudiates the Dred Scott decision, which is a decision of the Supreme Court of this country, which all law-abiding citizens should respect. I have therefore mingled feelings of pleasure and of pain growing out of this colloquy—pleasure at one moment, because I thought he had repudiated the principle of his distinguished leader, the Senator from New York; pain, now that I find that he must be enrolled as one of the disciples of the higher-law doctrine of that Senator.

But let me proceed, from this digression, upon the train of thought in which I was interrupted.

I can conceive of nothing more to be desired by good men—nothing to be hailed with more joy by every patriot who loves his whole country—than the organization of a party, differing, if it must, from the Democratic party in governmental detail, yet like it in devotion to the Constitution, love of the Union, and justice to all sections. If the country should be again divided into two great and patriotic parties, like the old Whig and Democratic parties, on the return of those quaternial elections which separate the people into two opposing political armies, the good man, whether preferring the one or the other, on the night of the great contest, may rest in peace, assured that, whatever may have been the result, the Government organized by his fathers will be maintained in its integrity, and his rights of person and property secured to him and his children.

But I greatly fear, sir, that the conservative element in the Republican ranks will be too weak to contend for the mastery with that "higher law" principle, which has been its life-blood, and without which, the gentleman from Ohio [Mr. STANTON] thinks, and I dare say correctly, it will dwindle and die. Should these fears be realized, the principles of the gentleman from Kentucky, and all who think with him, North and South, will lead them into a party already organized, as devoted to our constitutional union as any that can be formed; the very party, so eloquently described by himself, and which he fails now to recognize only because of past associations. Why should these associations deter him from its embrace? Democratic principle is moulded into the very being of his country. The proportions of that country's gigantic stature are formed out of the material of Democratic thought and fashioned by Democratic hands. Where on the statute book can a law be found of finance or revenue, settling the internal policy of our country, and acquiesced in by our countrymen of all parties, that has not been placed on the statute-book by Democratic votes and stereotyped on the hearts of the people by Democratic argument? The iron hand of Jackson struck the blow that severed the money of the people from the mammoth Bank; and the Democracy followed up the blow by dissolving its connection with the lesser monopolies that had grasped the spoil. Democratic argument and votes have approximated the tariff, after protracted struggles, to the revenue standard; and the principle at this late day is too strongly fixed in the affections of the masses to be abandoned to temporary policy, or surrendered to greedy appetite for spoils.

Not less identified with the growth of our empire is the name and fame of the Democratic party. Associated with them are a thousand memories, interweaving them with every garland of her past progress and glory. The Mississippi, so long as it pours its flood of waters to the Gulf, shall mingle with the hum of its immense commerce the name of Jefferson, the father of Democracy. Every breath of wind that stirs the magnolia groves of Florida, brings from the land of flowers fresh fragrance to the memory of Monroe, another of the patriot sages of Democracy. The immense cotton and sugar fields of Texas, and the golden sands of California, all attest the past triumphs of Democratic policy, and point with unerring finger to Cuba, destined soon to be added, with her tropical fruits and tobacco and sugars, to swell the practical triumphs of Democratic rule. Talk about the destruction of such a party, because there are quarrels in our ranks! Sir, the Democracy always have quarreled, and they always will quarrel, among themselves. But these quarrels are but summer thunder—clouds destined soon to pass away and leave the atmosphere purer than before; but bubbles upon the surface of the stream, necessary to let off the noxious gas beneath. The great current rolls on, and must roll on forever; at least while the Constitution, strictly construed, needs defenders, and the rights of the States friends and champions. Those who argue from present distractions the destruction of the Democratic party, have failed to read, or read with little profit, their country's history. They miscalculate the inherent strength of its principles, and fail to appreciate the confidence its past career inspires. Look at it



in 1840, discomfited and overwhelmed, North and South. See it in 1844, triumphant again. Behold it in 1854, weakened and distracted; yet in 1856 we see it again victorious. Though the elections of 1858 have been disastrous to its prospects, they are scarcely worse than those of 1854; and who shall say that 1860 will not usher in another victory as brilliant as that of 1856?

Let us then, sir, close up our broken ranks and face the foe together. True, it is sometimes necessary to cut off a piece of "dry rot" which the frosts of the North produce, or prune some luxuriant branch which the rich soil and hot sun of the South have shot too high; but the first only invigorates the trunk of the Democratic tree by keeping its sap pure; and the last, whilst it gives more solidity to the lopped limb, which might have fallen by the excess of its unchecked growth, causes the whole top to widen and intertwine, thus increasing the breadth and interlocking the branches and strengthening the unity of the whole. Let all who love the Union gather under its mighty shade, and all who would protect the rights of the States *in the Union* find there the surest shelter from every storm. At all events, Mr. Chairman, let all patriots unite in inculcating obedience to law, and sustaining the Executive in its execution. Of all people on earth, we should be the most law-abiding; for we are the only people who have an equal voice in making the law. And let none of us, the Representatives of the people, be deterred from sustaining the Executive where he is right, by the silly cry of sycophancy and subserviency to the powers that be. We are in more danger of doing wrong, in this free country, from demagoguism than sycophancy. Sycophancy involves the sacrifice of principle at the shrine of place, where place is to be secured through Executive power; demagoguism, too, is the surrender of principle for the sake of office, where office is sought at the hands of the people. The only difference is the appointing power. The man who would be a sycophant in a monarchy, where all power emanates from the throne, is very apt to be a demagogue where all power springs from the people.

Holding our places here from the people, we are in more danger of doing wrong from the fear of our appointing power—the people—at home, than from any subserviency to the Executive, from whom we hold no office, and, from his limited tenure, expect none. Our fathers designed that we should be independent of the Executive, and the Constitution makes us perfectly so. It is right that we should be so. It is right, too, that we should reflect the opinions of those we represent, when consistent with our sense of right; or, if inconsistent with that sense, give place to others. But the popular clamor of the few sometimes sounds like the voice of the majority, and the Representative too often swells that clamor, instead of endeavoring to stem its torrent. I claim to be no better than other men. I speak out of my own heart. I argue from influences against which I have been constrained to guard myself. Compared with the approbation of those who sent me here, the approbation of all others weighs as nothing with me; and I submit, that in opening my own heart, I have revealed the inward emotions of all others here. Nor, Mr. Chairman, have these remarks in behalf of law and order put to the test any firmness of mine, or displayed the slightest moral courage in me; for I feel I have but echoed the sentiments of my people at home. My acquaintance with the larger portion of them is the acquaintance of years. During much of that time it was my duty to administer the law among them; and it affords me pleasure to say, that nowhere on earth is there a people more devoted to order, or more obedient to law. Nowhere do juries listen more attentively to charges of the court, or endeavor more faithfully to apply them to the facts. Lynch law and mob law are unknown among them. Their law of conscience is the unostentatious discharge of duty. They seek no "higher law" than the Constitution and laws of their country; and if all the people of our Union were, in this respect, like the people of the sixth district of Georgia, that Union would indeed stand forever; for it would rest where our fathers placed it—upon a Constitution of equal rights to all sections and all citizens, and upon the hearts of a people loving that Constitution as their "*highest law*," and determined to maintain and obey it.